



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**SEP 28 2018**

Kenneth Elan  
Elan Law  
217 Broadway, Suite 603  
New York, NY 10007

David Mairo  
Chiesa Shahinian & Giantomasi PC  
One Boland Drive  
West Orange, NJ 07052

Re: AOC #2 Of Operable Unit 2, Peninsula Boulevard Superfund Site  
Hewlett, Nassau County, New York


Dear Mr. Elan and Mr. Mairo:

I am writing regarding the response activities associated with Area of Concern 2 of Operable Unit 2 at the above-referenced Site. On September 29, 2017, the U.S. Environmental Protection Agency contacted to your clients, Piermont Cleaners and The Lucky Acres Company, notifying them of their respective, potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act. EPA also sought to determine whether your clients would voluntarily finance or perform a some or all of the Operable Unit 2 remedy and reimburse EPA for related future oversight costs.

During the ensuing months, there was dialogue and meetings, but we did not receive any offer to perform the work described as the AOC 2 portion of the Operable Unit 2 remedy. On September 12, 2018, we contacted you, Mr. Mairo, in response to certain technical issued that your client raised regarding the groundwater flow in a portion of the Site. We indicted that we did not accept your conclusions, and we stressed the need for the parties to provide EPA with a definitive response by September 26, 2018, if not sooner, regarding their willingness to perform or fund the AOC 2 portion of the remedy. No response or reply to that letter has been received.

We must therefore conclude that you are unwilling and/or unable to finance or perform the AOC 2 work described above. If you have any questions, you may contact Margo Ludmer of the Office of Regional Counsel at (212) 637-3187 or [Ludmer.margo@epa.gov](mailto:Ludmer.margo@epa.gov).

Respectfully,

  
James Doyle, Team leader  
New York/Caribbean Superfund Branch  
Office of Regional counsel